

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PAUL W. McCREE, Jr.,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 04-11334 JLT
	)	
v.	)	
	)	
PENSION BENEFIT GUARANTY	)	
CORPORATION,	)	
	)	
Defendant.	)	

**JOINT STATEMENT OF THE PARTIES**

1. On October 17, 2004, this Court issued a Notice of Scheduling Conference in the above-referenced case. Pursuant to the Notice the parties are required to file, no later than 5 business days before the conference, a joint statement concerning a proposed pre-trial schedule.

2. Defendant Pension Benefit Guaranty Corporation ("PBGC") and Plaintiff Paul W. McCree, Jr. ("Plaintiff"), have conferred on the nature and scope of discovery in this case.

3. Both parties agree that there is no need for discovery or a trial, there are no factual disputes in this case, and the issues in this case turn entirely on the legal interpretation of the documents governing the H.H. Aerospace Design Co., Inc. Defined Benefit Pension Plan (the "Plan Documents").

4. Both parties have dispositive motions pending in this case; Defendant filed a Motion for Judgment on the Pleadings on October 5, 2004, and Plaintiff filed a Motion for Summary Judgment on October 21, 2004.

5. In the event that the Court disagrees with the parties' assessment of the issues, Defendant would be prepared to file its administrative record in this case and defend its determination under the Administrative Procedure Act.

Respectfully submitted,

Dated: October 26, 2004

/s/ Sherease Pratt Louis  
JAMES J. KEIGHTLEY  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the attached Joint Statement of the Parties has been filed electronically and served upon *pro se* plaintiff Paul W. McCree by certified mail, return receipt requested, on this 26th day of October 2004, at the following address:

Paul W. McCree  
173 Goodman's Hill Road  
P.O. Box 77  
Sudbury, Massachusetts 01776

/s/ Sherease Pratt Louis  
Sherease Pratt Louis (NY SL7322)